

**From:** [Flynn & Associates, LLC](#)  
**To:** [Daniel Knox](#)  
**Cc:** [Alexander Kadochnikov](#)  
**Subject:** Re: Dutt v. ABK  
**Date:** Friday, September 6, 2019 12:14:11 PM  
**Attachments:** [image001.png](#)

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Daniel,

My clients stand firm that their responses are appropriate and sufficient under the Federal Rules. If you feel otherwise, file the motion you feel is appropriate and the Court can make the decision.

On Thu, Sep 5, 2019 at 1:05 PM Daniel Knox <[dknox@knoxlaw.nyc](mailto:dknox@knoxlaw.nyc)> wrote:

Counsel,

I have made numerous attempts to discuss this matter by both telephone and email over the last two months with no response. Given the impact that your lack of communication and cooperation has had upon the schedule in this matter, I am forced to bring it to the Court's attention.

Regards,

**Daniel Knox**

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**From:** Daniel Knox  
**Sent:** Tuesday, August 13, 2019 11:36 AM  
**To:** Flynn & Associates, LLC <[rflynnlawllc@gmail.com](mailto:rflynnlawllc@gmail.com)>  
**Cc:** Alexander Kadochnikov <[alexander@gklawfirm.net](mailto:alexander@gklawfirm.net)>  
**Subject:** RE: Dutt v. ABK

Good morning,

I still have not head back from you on this matter. Can we schedule a call to discuss?

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**From:** Daniel Knox  
**Sent:** Monday, July 15, 2019 12:38 PM  
**To:** Flynn & Associates, LLC <[rflynnlawllc@gmail.com](mailto:rflynnlawllc@gmail.com)>  
**Cc:** Alexander Kadochnikov <[alexander@gklawfirm.net](mailto:alexander@gklawfirm.net)>  
**Subject:** RE: Dutt v. ABK

Mr. Flynn,

Have you had the opportunity to review our contentions with your clients? I cannot reasonably set an alternative deadline for my motion without having your client's responses, as such responses are likely to be relevant to the motion itself.

Please advise.

**From:** Flynn & Associates, LLC <[rflynnlawllc@gmail.com](mailto:rflynnlawllc@gmail.com)>  
**Sent:** Tuesday, June 25, 2019 4:48 PM  
**To:** Daniel Knox <[dknox@knoxlaw.nyc](mailto:dknox@knoxlaw.nyc)>  
**Cc:** Alexander Kadochnikov <[alexander@gklawfirm.net](mailto:alexander@gklawfirm.net)>  
**Subject:** Re: Dutt v. ABK

Certainly, are you agreeable to extending the date to file your motion to 7/12 with our opposition due thereafter? One of our clients will be traveling out of the country the week of 7/15 with family and we will be closed for vacation from 7/19 through the end of July so realistically I can get an opposition filed before 8/10.

Alex

**FLYNN & ASSOCIATES, LLC**

Richard M. Flynn, Esquire

Alex Flynn, Esquire

[439 Monmouth Street](#)

[Gloucester City, NJ 08030](#)-1723

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On Tue, Jun 25, 2019 at 2:59 PM Daniel Knox <[dknox@knoxlaw.nyc](mailto:dknox@knoxlaw.nyc)> wrote:

In that case, would you agree today to extend my client's time to file the motion for preliminary certification?

Regards,

**Daniel Knox**

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**From:** Flynn & Associates, LLC <[rflynnlawllc@gmail.com](mailto:rflynnlawllc@gmail.com)>

**Sent:** Tuesday, June 25, 2019 2:32 PM

**To:** Daniel Knox <[dknox@knoxlaw.nyc](mailto:dknox@knoxlaw.nyc)>

**Cc:** Alexander Kadochnikov <[alexander@gklawfirm.net](mailto:alexander@gklawfirm.net)>

**Subject:** Re: Dutt v. ABK

Dan,

Due to both Rick and my schedules, neither of us have had an opportunity to review your email with our clients yet, but I anticipate doing so by the end of the week. I will be back to you with a more complete response in a few days.

Thanks,

Alex

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On Thu, Jun 20, 2019 at 5:05 PM Daniel Knox <[dknox@knoxlaw.nyc](mailto:dknox@knoxlaw.nyc)> wrote:

Good afternoon,

Your clients' responses are severely lacking and this letter is my attempt to meet and confer in order to resolve the issue.

Issues with interrogatory responses:

1. Each of your clients failed to state the nature of the information they believe the identified individuals to possess in response to Interrogatory 1.
2. Your clients have asserted that the relevant period is not defined as the basis for their failures to respond to several interrogatories. However, the relevant period is defined as September 1, 2015 through the present date.
3. Your clients have failed to respond appropriately to Interrogatory 2 for the individual defendants and Interrogatory 4 for the corporate defendant. Stating that the information is in a public record is not a ground for objection. Furthermore, such information is not overbroad in the context of a collective action.
4. Your individual clients have failed to completely respond to Interrogatory 4.
5. We disagree that the interrogatories to defendant ABK Petroleum exceed the number permitted by Rule 33. There are no more than 25 discrete interrogatories. Even where an interrogatory contains subparts, said subparts are logically or factually subsumed within and necessarily related to the primary question, therefore they are to be counted as one. Accordingly, defendants should respond to all interrogatories objected to on this ground.

Issues with document request responses:

1. Documents responsive to request 5 should be produced. Public record is not a valid objection to this request.
6. Documents responsive to request 6 should be produced. Public record is not a valid objection.
7. Documents responsive to request 7 should be produced. Tax returns are relevant in the context of FLSA actions. Accordingly, same should be produced per the demand.
8. Documents responsive to request 8 should be produced. Even if your stance on tax returns were correct, W-2s would nevertheless be responsive and required.

9. Your clients claim that some employees were paid by check, some by cash, yet no payment records were produced.

Kindly advise of your clients' intentions to rectify the omissions cited above. Should you wish to arrange a telephone call to discuss the matter in greater detail, I am available. Otherwise, we will proceed to file a motion to compel.

Regards,

**Daniel Knox**

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**From:** Flynn & Associates, LLC <[rflynnlawllc@gmail.com](mailto:rflynnlawllc@gmail.com)>

**Sent:** Wednesday, June 19, 2019 11:15 AM  
**To:** Daniel Knox <[dknox@knoxlaw.nyc](mailto:dknox@knoxlaw.nyc)>  
**Subject:** Dutt v. ABK

Dan,

Attached are Defendants discovery responses.

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